

112. The method of claim 96, further comprising the step of disposing a catheter assembly within the longitudinal passage.

113. An assembly for insertion into a body passageway comprising:
an expandable stent; and
a tissue configured to avoid exposure of the expandable stent to circulating body fluids when the assembly is inserted into the body passageway.

114. An assembly for insertion into a body passageway comprising:
a deformable stent; and
a tissue configured to avoid exposure of the deformable stent to circulating body fluids when the assembly is inserted into the body passageway.

REMARKS

The status of the claims is as follows: claims 1-21 are patented; and claims 22-114 are newly added by way of this Amendment.

Each of the new independent claims 22, 51, 68, 96, 113, and 114 have been added to the present broadening reissue patent application to more broadly recite the invention disclosed therein. Newly added dependent claims 23-50, 52-67, 69-95, and 97-112 more particularly define the various features of the invention. The broadened claims are submitted because the patented claims 1-21 claim less than the patentee had a right to claim through an error made without any deceptive intention. As explained below by the citation to exemplary disclosures in the original patent, each of the newly added claims 22-114 is fully supported by the original disclosure.

Each of the newly added independent apparatus claims 22, 68, 113, and 114 recites an expandable member, a deformable member, an expandable stent, and a deformable stent, respectively, with the member or stent having an interior surface defining a longitudinal passage. The foregoing subject matter is supported at least by column 2, lines 43-56; column 4, lines 51-65; column 6, line 11 through column 7, line 8; and column 8, line 13 through column 10, line 36 of the original U.S. Patent No. 5,556,414 (the '414 patent).

Each of the new independent apparatus claims 22, 68, 113, and 114 also recites a tissue disposed adjacent to the expandable member, deformable member, expandable stent, and deformable stent, respectively. The foregoing subject matter is supported at least by column 2, lines 43-56; column 4, lines 51-65; column 5, lines 1-7; and column 11, line 57 through column 12, line 1 of the '414 patent.

New dependent apparatus claims 23-26, 50, and 69-72 variously recite an expandable member and a deformable member, with the member is cylindrical-shaped; that the member comprises a stent; that the member has a first configuration to allow for insertion of the assembly into a lumen in the body passageway; and that the member has a second configuration whereby a diameter of the longitudinal passageway approximately matches a diameter of the lumen. The foregoing subject matter is supported at least by column 2, lines 43-49; column 3, lines 3-22; column 4, lines 51-65; column 6, line 11 through column 7, line 8; and column 8, line 13 through column 10, line 36 of the '414 patent.

New dependent apparatus claims 27 and 73 recite that the tissue is disposed adjacent to the interior surface of the expandable member and deformable member, respectively. The

foregoing subject matter is supported at least by column 3, lines 53-56; and column 4, lines 51-65 of the '414 patent.

New dependent apparatus claims 28-34, and 74-80 variously recite an expandable member or a deformable member, and that the tissue is disposed adjacent to an exterior surface of the member; that the tissue is at least as long as the longitudinal passage; that a portion of the tissue extends beyond at least one end of the longitudinal passage; that the portion of the tissue that extends beyond the end of the longitudinal passage folds back over a first end of the member to a position adjacent to an exterior surface of the member; that the extending portion of the tissue folds back to form a sleeve; that the tissue has a length about twice as long as the member and forms both an internal lining of the member and an external cover of the member; and that a first end of the tissue extends beyond a first end of the member and a second end of the tissue extends beyond a second end of member and wherein the first and second ends of the tissue both fold back over respective ends of the member to meet about midway between the first and second ends of the member to form an external cover of the expandable member. The foregoing subject matter is supported at least by column 3, lines 35-56; column 5, line 7-41; and column 10, lines 37-60 of the '414 patent.

New dependent claims 35, 43-47, 81, and 89-93 variously recite an expandable member or a deformable member, and that the first and second ends of the tissue are secured together, secured to the member, or secured through a portion of the tissue adjacent the interior surface of the member; that the tissue is secured, stitched, glued, or welded to the member; and that a first portion of the tissue is fixed to a second portion of the tissue to secure the tissue to the member.

The foregoing subject matter is supported at least by column 2, lines 45-49; column 3, lines 35-40; column 5, lines 7-10; column 5, lines 41-48; and column 10, lines 51-56 of the '414 patent.

New dependent apparatus claims 36 and 82 recite that the tissue comprises a tubular structure. The foregoing subject matter is supported at least by column 2, lines 43-45; column 10, lines 37-40; and column 11, lines 57-60 of the '414 patent.

New dependent apparatus claims 37-42 and 83-88 variously recite that the tissue comprises a body tissue; that the body tissue comprises a blood vessel; that the blood vessel comprises at least one of the recently extracted blood vessel and a thawed blood vessel which had been previously extracted and frozen; that the blood vessel comprises a vein; that the tubular structure comprises a mammalian blood vessel; and that the mammalian blood vessel comprises a human blood vessel. The foregoing subject matter is supported at least by column 2, lines 45-49 and lines 59-65; column 3, lines 25-29; column 4, lines 51-65; column 11, line 57 through column 12, line 1; and column 12, lines 54-60 of the '414 patent.

New dependent apparatus claims 48 and 94 recite a delivery sheath which encompasses the expandable member and the tissue or the deformable member and the tissue, respectively. The foregoing subject matter is supported at least by column 5, lines 58-66; column 6, lines 3-4; and column 7, lines 18-20 of the '414 patent.

New dependent apparatus claims 49 and 95 recite a catheter assembly disposed within the longitudinal passage to expand the expandable member or deformable member, respectively. The foregoing subject matter is supported at least by column 2, lines 55-56; column 5, line 66 through column 6, line 3; and column 7, lines 9-17 of the '414 patent.

Turning to the method claims, new independent method claims 51 and 96 recite a method of preparing a graft prosthesis for insertion into a body passageway comprising the steps of providing an expandable member or deformable member having an interior surface defining a longitudinal passage; and providing a tissue adjacent to the expandable member or deformable member. Since claims 51 and 96 recite subject matter that corresponds to some extent to the independent apparatus claims 22, 68, 113, and 114 discussed above, the locations in the '414 patent referenced for support for those independent apparatus claims provide support for claims 51 and 96 as well. In addition to those locations, the foregoing subject matter is supported at least by column 3, lines 35-61 of the '414 patent.

New dependent method claims 52-67, and 97-112 recite additional steps for the method of preparing a graft prosthesis and variously recite subject matter generally related to the new dependent apparatus claims identified above. Accordingly, the subject matter of the new dependent method claims is supported at least by the locations identified above in the '414 patent for dependent apparatus claims 27-35, 43- 49, 73-81, and 89-95, and the locations identified for new independent method claims 51 and 96. Furthermore, dependent claims 61-64 and 106-109 are at least supported by column 11, lines 4-7; and column 12, lines 1-3 of the '414 patent.

In view of the foregoing, Applicant therefore requests the entry of this Amendment, the Examiner's consideration, and examination of this reissue application, and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this Preliminary Amendment, please charge the fees to our Deposit Account Number 50-0310. If a fee is required for an

extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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